



DECISION MEMO
USDA FOREST SERVICE
MEDICINE BOW-ROUTT NATIONAL FORESTS AND THUNDER BASIN NATIONAL GRASSLAND
BOOTS FEDERAL AND ROXY FEDERAL OIL DEVELOPMENTS (PROJECT NO. 56964)
(ANSCHUTZ OIL COMPANY LLC)
DOUGLAS RANGER DISTRICT, THUNDER BASIN NATIONAL GRASSLAND
T. 43 N., R. 72 W., 6TH PRINCIPAL MERIDIAN
CAMPBELL COUNTY, WYOMING

BACKGROUND

In response to applications for permit to drill several oil wells at two fluid mineral well pads, the purpose of these actions is to approve surface use plans and to provide concurrence for the Bureau of Land Management (BLM) to authorize associated surface occupancy and use of the national grassland. These two separate projects were planned simultaneously by the operator and both location utilize portions of the same access and utility corridors. However, each development remains individual, having with only a few connected activities. The actions are needed in order to authorize these surface operations as part of the implementation of the Land and Resource Management Plan for the Thunder Basin National Grassland. The fluid mineral operator with a valid fluid mineral lease right is Anschutz Oil Company, LLC. The Bureau of Land Management administers the oil wells and fluid mineral resource.

DECISION

I have decided to approve the surface use plans and to provide concurrence for the BLM to authorize surface operations with the Applications for Permit to Drill (APDs) for both the Boots Federal and the Roxy Federal well pad locations. Authorized activities occurring within valid oil and gas leases are to be implemented according to the approved surface use plans of operations which are incorporated into this decision along with conditions of approval described in Attachment B. Both developments are considered permanent activities until otherwise changed. With this decision I am also authorizing associated special uses, occupancy, and use of the Thunder Basin National Grassland for associated activities occurring in off-lease areas, for the supporting infrastructure, utilities, and motorized access. Refer to project area maps in Attachment A.

For these mineral developments, the Secretary of Agriculture has authority under the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (Public Law No. 100-203) to regulate all surface disturbing activities conducted pursuant to a Federal oil and gas lease on National Forest System lands. This authority has been delegated to the Forest Service. The Forest Service is responsible only for approving and regulating surface activities on National Forest System lands. The authority to approve surface use plans is delegated to the Forest Supervisor or District Ranger by direction described in Forest Service Manual 2820.

For these special uses, the statutory authorities for these actions are: Title V, Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761-1771) for roads and power lines; and The Mineral Leasing Act of 1920, as amended on November 16, 1973 (30 U.S.C.

185(1)) for issuance of permits and easements for oil and gas pipelines. The authority to issue and approve the term special use authorizations is delegated to the Forest Supervisor by direction described in Forest Service Manual 2704.32 and 2704.33 Amendment No. 2700-2018-2. The initial term of authorization is anticipated and intended to last up to 30 years. The authority to issue and approve the short term special use authorizations is delegated to the District Ranger by direction described in Forest Service Manual 2704.34 Amendment No. 2700- 2018-2. The term of authorization is anticipated and intended to be one year.

This decision tiers from the Record of Decision for the Land and Resource Management Plan for the Thunder Basin National Grassland, as amended.

The several components of this decision are the following:

Boots Federal

Location of oil well site: SESW and SWSW Section 24 and NENW Section 25, in T. 43 N., R. 72 W. The total area of occupancy of the Boots Federal well pad and facilities is approximately 20 acres.

Prior to well pad construction, a currently unserviceable water well (Edwards Thunder Basin 27 – Wyoming State Engineer’s Office no. 12765) should be plugged and reclaimed.

Implementation of the approved surface use plan, included in Application for Permit to Drill (identification 10400038004) version of March 30, 2020, is incorporated as part of this decision.

Road construction, re-construction, re-alignment, improvements, use, maintenance, and dust abatement are authorized. New road construction consists of a non-system route segment with improvements, with an approximate length of 700 feet, occupying up to approximately 1.5 acres, connecting the well pad to an existing route. Re-construction includes primarily improvements to an existing route segment along an approximate length of 900 feet. Approximately one-third mile of road may be upgraded on an approximate 3-acre area. Road improvements include width increase, crown and ditch, culverts, aggregate or gravel, water based dust abatement, gates, cattle guards, and signs. Re-alignments are authorized for segments of National Forest System Road (NFSR) 932.G and NFSR 932.K at the Boots well pad to accommodate the well site and allow general traffic use of these transportation system roads to avoid the immediate proximity of the well site. Road use permits both on-lease and off-lease are authorized for issuance, and maintenance may occur along the entire length of approved access. Road use for access, material transport, and maintenance are year-round activities.

Well pad construction and well pad facilities, which also include soil removal and spoil placement, dust abatement, erosion and drainage control measures, fence, gates, and road cattle guards.

Oil well drilling and completion operations and production operations for eleven (11) wells. Associated special use authorizations including temporary surface water line are associated activities.

Production facilities installation, operation, and maintenance.

Installation and connections of utilities for electricity and production pipeline, approximately 4 acres of occupancy, which are primarily buried utilities, aligned in parallel, or co-located, along existing road. These are also considered special-use improvements located within on-lease and off-lease areas.

Reclamation, as interim and final surface management, according to plans and requirements, which also includes weed control, revegetation, and soils management.

Roxy Federal

Location of oil well site: SESE, SWSE Section 24 and NENE, NWNE Section 25, T. 43 N., R. 72 W. The total area of occupancy of the Roxy Federal well pad and facilities is approximately 21 acres.

Implementation of the approved surface use plan, included in Application for Permit to Drill (identification 10400037980) version of March 30, 2020, is incorporated as part of this decision.

Road construction, re-construction, re-alignment, improvements, use, maintenance, and dust abatement are authorized. New road construction consists of a non-system route segment with improvements, with an approximate length of 300 feet, occupying up to approximately one-half acre, connecting the well pad to an existing route. Re-construction includes primarily improvements to an existing route segment along an approximate length of 3,500 feet. Road improvements include width increase, crown and ditch, culverts, aggregate or gravel, water based dust abatement, gates, cattle guards, and signs. Re-alignment is authorized for a segment of National Forest System Road 932.E at the Roxy well pad to accommodate the well site and allow general traffic use of these transportation system roads to avoid the immediate proximity of the well site. Road use permits both on-lease and off-lease are authorized for issuance, and maintenance may occur along the entire length of approved access. Road use for access, material transport, and maintenance are year-round activities.

Well pad construction and well pad facilities, which also include soil removal and spoil placement, dust abatement, erosion and drainage control measures, fence, gates, and road cattle guards.

Oil well drilling and completion operations and production operations for ten (10) wells. Associated special use authorizations including temporary surface water line are associated activities.

Production facilities installation, operation, and maintenance.

Installation and connections of utilities for electricity and production pipeline, approximately 4 acres of occupancy, which are primarily buried utilities, aligned in parallel, or co-located, along existing road. These are also considered special-use improvements located within on-lease and off-lease areas.

Reclamation, as interim and final surface management, according to plans and requirements, which also includes weed control, revegetation, and soils management.

Special Uses and Rights-of-Way

Special-use authorizations may be permitted and administered within both mineral on-lease and off-lease areas associated with either or both of these two mineral developments.

Road use, construction, improvements and upgrades, re-alignment, maintenance, or closure and reclamation of non-system road is authorized.

Term and temporary special uses are authorized for road and utility easements, installation of electrical and pipeline utilities, operation and maintenance purposes, and uses including surface water lines.

These mineral development actions are categorically excluded from documentation in an environmental assessment or an environmental impact statement. The applicable category of actions is identified in agency procedures as 36 CFR 220.6(e) (17): *Approval of a Surface Use Plan of Operations for oil and natural gas exploration and initial development activities, associated with or adjacent to a new oil and/or gas field or area, so long as the approval will not authorize activities in excess of any of the following:*

- (i) *One mile of new road construction;*
- (ii) *One mile of road reconstruction;*
- (iii) *Three miles of individual or co-located pipelines and/ or utilities disturbance; and*
- (iv) *Four drill sites*

This category of action(s) is applicable because this approval does not exceed any of the limits of any of the four types of activities.

These special-uses actions are categorically excluded from documentation in an environmental assessment or an environmental impact statement. The applicable category of action is identified in agency procedures as 36 CFR 220.6(e)(3): *Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land.*

This category of actions is applicable because the new special use authorization(s) will approve the use of land for off-lease operations under special use permits for access and a 30-foot utility corridor that crosses less than one mile of national grassland. The applicant, Anschutz Oil Company, LLC, is in full compliance with previous or other authorizations.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an environmental assessment or environmental impact statement. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – Biological evaluation conducted determined the following:
 - No effect to threatened or endangered species or critical habitat.
 - No effect to species proposed for listing or proposed critical habitat.
 - May adversely impact individuals, but is not likely to result in a loss of viability in the planning area, nor cause a trend toward federal listing or a loss of species viability range-wide, of U.S. Forest Service Region 2 Sensitive Species.
 - Project is in compliance with the Land and Resource Management Plan standards and guidelines for wildlife, including the greater sage-grouse.
- Flood plains, wetlands, or municipal watersheds – None are present.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – None are present.
- Inventoried roadless areas or potential wilderness areas – None are present.

- Research natural areas – None are present.
- American Indians and Alaska Native religious or cultural sites – The heritage resource survey detected one site and the resultant report (R2019020609038) and State Historic Preservation Office concurrence concluded that the one site present is not eligible for listing in the National Register of Historic Places and will not be affected by the undertaking.
- Archaeological sites, or historic properties or areas – The heritage resource survey detected one site and the resultant report (R2019020609038) and State Historic Preservation Office concurrence concluded that the one site present is not eligible for listing in the National Register of Historic Places and will not be affected by the undertaking. Otherwise, no historic properties or areas are present.

A livestock water well located within the Boots well pad area was assessed for condition and usefulness, and because it is an unproductive well, the livestock permittee land user and Forest Service agree that it should be plugged and reclaimed. This well is not a municipal water source and therefore this situation does not constitute an extraordinary circumstance.

PUBLIC INVOLVEMENT

This action, named Boots Federal and Roxy Federal Oil Developments (project no. 56964), was first published April 1, 2020, in the Schedule of Proposed Actions for Douglas Ranger District and Thunder Basin National Grassland and updated periodically during the analysis. Prior to publishing the project to the Schedule, during processing of the application for permit to drill a notice of staking meeting was held among the Forest Service, Bureau of Land Management, and the operator in 2018. Nearby and co-located land users of the national grassland were also notified and given opportunity for input to the project proposal during 2019 and 2020. Forest Service internal scoping occurred throughout project planning and environmental analysis.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National Forest Management Act of 1976: This decision is consistent with the direction of the Land and Resource Management Plan for the Thunder Basin National Grassland of 2001, as amended. All applicable standards, guidelines, Hilight Bill Geographic Area direction, and Management Area 6.1 – Rangeland with Broad Resource Emphasis direction were incorporated into project design.

Clean Water Act: To comply with the Act, this decision applies applicable best management practices or equivalent management measures to ensure protection of watersheds, soil, and water resources.

Endangered Species Act of 1973, as amended: The action will have no effect to endangered or threatened species.

National Historic Preservation Act: The action will have no effect to any protected resources.

Environmental Justice: Based on experience with similar projects on the Thunder Basin National Grassland, this project is not expected to have any disparate impacts on individual groups of peoples or communities. Implementation of this project will produce no adverse effects on minorities, low-income individuals, Native Americans, or women. No civil liberties will be affected.



National Environmental Policy Act of 1969: The Forest Service used an interdisciplinary approach in planning and decision making. An analysis of probable environmental effects was conducted. The project environmental analysis complies law.

IMPLEMENTATION DATE

Upon the date of my approval, the implementation of this decision may occur immediately, within the conditions of approval, timing limitations, restrictions, or other stipulations that are applicable. This includes issuance of associated special use permits included in this document.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

The approved activities within this decision are not subject to appeal in accordance with the Consolidated Appropriations Act of 2014, Pub. L. No. 113-76, 128 Stat. 5 (2014). Section 431 of the Act directs that the 1993 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes “shall not apply to any project or activity implementing a land and resource management plan...that is categorically excluded...under the National Environmental Policy Act (NEPA).”

CONTACT

For additional information concerning this decision, contact:

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RUSSELL M. BACON
Forest Supervisor

Medicine Bow-Routt National Forests and Thunder Basin National Grassland

9/19/2020
Date



List of Attachments

Attachment A – Vicinity and overview maps of Boots Federal and Roxy Federal developments

Attachment B – Surface Use Plans for Boots Federal and Roxy Federal

Attachment C – Conditions of Approval

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov

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